

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: MAXIM INTEGRATED PRODUCTS,
INC., MDL NO. 2354**

)
) Master Docket
) Misc. No. 12-244
) MDL No. 2354
)

This Document Relates to: 2:12-CV-1538-JFC

) CONTI, District Judge
)

**BMO HARRIS BANK NATIONAL
ASSOCIATION,**

Plaintiff and Counterclaim Defendant,

) C.A. No. 2:12-cv-1538-JFC
)

v.

MAXIM INTEGRATED PRODUCTS, INC.,

Defendant and Counterclaim Plaintiff.

MAXIM INTEGRATED PRODUCTS, INC.,

Counterclaim Plaintiff,

v.

**BANK OF MONTREAL AND BMO
FINANCIAL CORP.,**

Counterclaim Defendants.

**MAXIM INTEGRATED PRODUCTS, INC.'S NOTICE OF NON-OPPOSITION TO
BANK OF MONTREAL'S MOTION FOR FORMAL ORDER**

With respect to Bank of Montreal's motion for a formal order (Dkt. 75), Maxim Integrated Products, Inc. ("Maxim") respectfully notifies the Court as follows: In view of Bank of Montreal's representations to the Court that "BMO Canada does not provide or offer retail banking or related mobile banking applications in the United States[.]" (Dkt. 65 at 2), Maxim therefore does not oppose Bank of Montreal's motion for a formal order.

Maxim's non-opposition is neither a concession as to the accuracy of Bank of Montreal's statements nor as to the validity of any of Maxim's allegations against Bank of Montreal. Maxim expressly reserves all rights should BMO Harris Bank N.A. or BMO Financial Corp. later attempt to reverse positions and argue that Bank of Montreal is responsible for all or part of the accused activities currently attributed to BMO Harris Bank N.A. or BMO Financial Corp.

Dated: August 27, 2013

Respectfully submitted,

/s/ William P. Nelson
Matthew D. Powers (*pro hac vice*)
Steven S. Cherensky (*pro hac vice*)
Paul T. Ehrlich (*pro hac vice*)
William P. Nelson (*pro hac vice*)
Aaron M. Nathan (*pro hac vice*)
Stefani C. Smith (*pro hac vice*)
Sam Y. Kim (*pro hac vice*)
Robert L. Gerrity (*pro hac vice*)
Palani P. Rathinasamy (*pro hac vice*)
TENSEGRITY LAW GROUP LLP
555 Twin Dolphin Drive, Suite 360
Redwood Shores, CA 94065
Phone: (650) 802-6000
Fax: (650) 802-6001
Email:
matthew.powers@tensegritylawgroup.com
steven.cherensky@tensegritylawgroup.com
paul.ehrlich@tensegritylawgroup.com
william.nelson@tensegritylawgroup.com
aaron.nathan@tensegritylawgroup.com

stefani.smith@tensegritylawgroup.com
sam.kim@tensegritylawgroup.com
robert.gerrity@tensegritylawgroup.com
palani@tensegritylawgroup.com

Leland P. Schermer, Esquire
Pa. ID No. 47283
Bryan A. Loose, Esquire
Pa. ID No. 201385
LELAND SCHERMER & ASSOCIATES, PC
Henry W. Oliver Building
535 Smithfield Street, Third Floor
Pittsburgh, PA 15222
Phone: (412) 642-5000
Fax: (412) 642-5010
Email:
lschermer@schermerlaw.com
bloose@schermerlaw.com

James C. Otteson (*pro hac vice*)
Phillip W. Marsh (*pro hac vice*)
Michael D.K. Nguyen (*pro hac vice*)
AGILITY IP LAW LLP
149 Commonwealth Drive
Menlo Park, CA 94065
Phone: (650) 227-4800
Email:
jim@agilityiplaw.com
phil@agilityiplaw.com
mnguyen@agilityiplaw.com

Michael North (*pro hac vice*)
NORTH WEBER & BAUGH LLP
2479 E. Bayshore Road, Suite 707
Palo Alto, CA 94303
Email: mnorth@northweber.com

Attorneys for
Maxim Integrated Products, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing to be served via the Western District of Pennsylvania's ECF system this 27th day of August 2013, on all counsel of record.

/s/ William P. Nelson
William P. Nelson